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EXAMINER

COULTER, KENNETH R

ART UNIT PAPER NUMBER

2141

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,318

Applicant(s)

FAN ET AL.

Examiner

Kenneth R. Coulter

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-12 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Toga (U.S. Pat. No. 6,832,256) (Firewalls that Filter Based Upon Protocol Commands).

- 2.1 Regarding claim 1, Toga discloses a system of switches, said system comprising:

a memory/command bus having a first interface, a second interface and a third interface (Fig. 1; col. 2, lines 57 - 67);

a memory connected to said third interface of said memory/command bus, said memory having a first memory address (Fig. 1, item 22; Abstract; col. 2, lines 49 - 67);

a first switch that monitors said memory/command bus and interprets information written to said first memory address as proxy information, said first switch connected to

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said first interface of said memory/command bus (Fig. 1, items 20 and 10; Abstract; col. 2, lines 44 – 67); and

a second switch that monitors said memory/command bus and interprets information written to said first memory address as proxy information, said second switch connected to said second interface of said memory/command bus (Fig. 1, items 24 and 30; Abstract; col. 2, lines 44 – 67).

2.2 Per claim 2, Toga teaches the system as recited in claim 1 wherein said information being written to said first memory address is interpreted as a command (Figs. 1, 3; Abstract; col. 2, lines 44 – 67).

2.3 Regarding claim 3, Toga discloses the system as recited in claim 1 wherein said information being written to said first memory address is interpreted as status information (Figs. 1, 3; Abstract; col. 2, lines 44 – 67).

2.4 Per claim 4, Toga teaches a switch comprising:

a memory/command bus interface, said memory/command bus interface configured to be connected to a memory and a second switch through a memory/command bus, said memory having a designated memory address (Fig. 1; Abstract; col. 2, lines 44 - 67);

a monitor being connected to said memory command bus interface so that said monitor can monitor said memory command bus and interpret information written to said

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designated memory location as proxy information (Fig. 1; Abstract; col. 2, lines 44 - 67).

2.5 Regarding claim 5, Toga discloses the switch as recited in claim 4 wherein said proxy information is interpreted as a command (Figs. 1, 3; Abstract; col. 2, lines 44 - 67).

2.6 Per claim 6, Toga teaches the switch as recited in claim 4 wherein said proxy information is interpreted as status information (Fig. 1; Abstract; col. 2, lines 44 - 67).

2.7 Regarding claim 7, Toga discloses the switch as recited in claim 4 wherein said monitor is a forwarding manager (Fig. 1; Abstract; col. 2, lines 44 - 67).

2.8 Per claim 8, Toga teaches the switch as recited in claim 4 wherein said monitor is an address manager (Fig. 1; Abstract; col. 2, lines 44 - 67).

2.9 Regarding claim 9, Toga discloses the switch as recited in claim 4 wherein said monitor is a start point manager (Fig. 1; Abstract; col. 2, lines 44 - 67).

2.10 Per claims 10 – 12, the rejection of claims 1 – 9 under 35 USC 102(e) (paragraphs 2.1 – 2.9 above) applies fully.

Response to Arguments

3. Applicant's arguments filed 11/9/05 have been fully considered but they are not persuasive.

Applicant argues that Toga does not disclose "a memory connected to said third interface of said memory/command bus, said memory having a first memory address" as detailed in claims 1 (and similarly detailed in independent claims 4 and 10).

Examiner disagrees.

Toga specifically discloses caching "a file to allow its clients to access the file from this transfer without the need to retrieve the file a second time from the Internet." (col. 3, lines 28 – 31).

This cache must be somehow connected to the memory/command bus.

Applicant argues that Toga "does not even mention the use of switches, and therefore cannot disclose or suggest writing information from the switch to the memory."

Examiner disagrees.

As seen in Figure 1, Toga discloses an equivalent to a first switch (Fig. 1, items 10 and 20) and a second switch (Fig. 1, items 24 and 30).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bare U.S. Pat. No. 5,920,699 Broadcast Isolation and Level 3 Network
Switch

A virtual switching engine that tracks unknown addresses, forwarding packets out of ports, and answers broadcast packets by proxy (see Abstract; Figs. 4, 6).

Dommety et al. U.S. Pat. No. 6,151,319 Connectionless Message Service
Using ATM Routers

A device in which an ATM switch may operate in a switch mode or in a router mode (see Abstract; Fig. 1).

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KENNETH R. COULTER

PRIMARY EXAMINER



krc